

Docket No. PA1203US

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**"SYSTEM AND METHOD FOR ADAPTIVELY ACCOMMODATING A HIGH AMPLITUDE DOWNSTREAM SIGNAL IN A DSL MODEM"**

the specification of which:

☒ is attached hereto.  
☐ was filed on \_\_\_\_\_ as U.S. Application No.  
or PCT International Application No. \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International application, having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

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I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

<u>(Application Number)</u>	<u>(Filing Date)</u>
<u>(Application Number)</u>	<u>(Filing Date)</u>

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

<u>(Application Number)</u>	<u>(Filing Date)</u>	<u>(Status -- patented, pending, abandoned)</u>
<u>(Application Number)</u>	<u>(Filing Date)</u>	<u>(Status -- patented, pending, abandoned)</u>

**POWER OF ATTORNEY:** I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

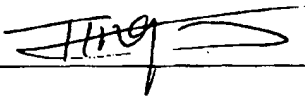
John S. Ferrell, Reg. No. 34,593;  
 John D. Henkhaus, Reg. No. 42,656; J. Eppa Hite, Reg. No. 30,266;  
 Wendi R. Schepler, Reg. No. 43,091; Aaron R. Wininger, Reg. No. 45,229;  
 and Susan Yee, Reg. No. 41,388.

**SEND ALL CORRESPONDENCE TO:**

John S. Ferrell  
 CARR & FERRELL LLP  
 2225 East Bayshore Road, Suite 200  
 Palo Alto, CA 94303  
 TEL: (650) 812-3400  
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: Ting SunInventor's signature: Dated: 9/25/00Residence: Houston, TexasPost Office Address: 1704 Automation Parkway, San Jose, CA 95131 Citizenship: China

Atty. Dkt.No. PA1203US

Applicants or Patentees: Ting Sun et al.  
Serial or Patent No.: Unknown  
Filed or Issued: Filed herewith  
For: System and Method for Adaptively Accommodating a High  
Amplitude Downstream Signal in a DSL Modem

VERIFIED STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS  
(37 CFR 1.9 (f) and 1.27 (c)) - SMALL BUSINESS CONCERN

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to  
act on behalf of the concern identified below:

NAME OF CONCERN 2Wire, Inc.  
ADDRESS OF CONCERN 1704 Automation Parkway, San Jose, California 95131

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.2, and reproduced in 37 CFR 1.9 (d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled "System and Method for Adaptively Accommodating a High Amplitude Downstream Signal in a DSL Modem," by inventor Ting Sun described in

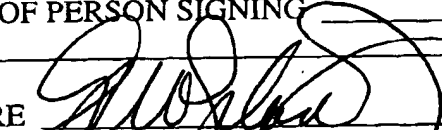
- ☒ the specification filed herewith.  
☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_.  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
[ ] INDIVIDUAL [ ] SMALL BUSINESS CONCERN [ ] NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of the Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING George Laplante  
TITLE OF PERSON IF OTHER THAN OWNER Chief Financial Officer  
ADDRESS OF PERSON SIGNING 1704 Automation Parkway  
San Jose, California 95131  
SIGNATURE  DATE 9/25/2000